



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Agenda CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Stuart Fleming, Ward 1*  
*Grif Chalfant, Ward 2*  
*Johnny Walker, Ward 3*  
*G. A. (Andy) Morris, Ward 4*  
*Anthony Coleman, Ward 5*  
*Michelle Cooper Kelly, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, March 12, 2014

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Council Member Philip Goldstein, Ward 7*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

#### **20140255      Government Finance Officers Association Award**

Sam Lady, Finance Director, and Beth Keller, Accounting Manager, City of Marietta Finance Department, receives the GFOA Award for the 26th consecutive year. The Certificate of Achievement for "Excellence in Financial Reporting" is given by the Government Finance Officers Association of the United States and Canada for its Comprehensive Annual Financial Report (CAFR). The GFOA Press Release states "This Certificate is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management."

#### **20140242      150th Anniversary Commemoration Activities**

Presentation of activities associated with the 150th Anniversary Commemoration Committee.

### PROCLAMATIONS:

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:****20140146 Georgia Symphony Orchestra**

Mr. Christopher Clark with the Georgia Symphony Orchestra will speak about his organization. The Georgia Symphony Orchestra will be moving to the Marietta High School this summer.

**UNSCHEDULED APPEARANCES:****CONSENT AGENDA:**

**Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).**

**MINUTES:****\* 20140249 Regular Meeting - February 14, 2014**

Review and approval of the February 14, 2014 regular meeting minutes.

**MAYOR'S APPOINTMENTS (for informational purposes only)****20140202 Ethics Committee - Mayor's Appointment**

Appointment Arthur D. Vaughn to the Ethics Committee (Mayor's Appointment) for a two (2) term expiring March 12, 2016.

**CITY COUNCIL APPOINTMENTS:****\* 20140195 Board of Zoning Appeals Appointment**

Appointment of Brad Lascovin to the Board of Zoning Appeals (Ward 1) for a two (2) year term, expiring March 12, 2016.

**\* 20140240 Planning Commission Appointment**

Appointment of Byron "Tee" Anderson to the Planning Commission (Ward 2), for a three year term expiring March 12, 2017.

\*      **20140273      Marietta Historic Board of Review**

Appointment of Rebecca Nash Paden to the Marietta Historic Board of Review (Ward 6), for a two year term expiring March 12, 2016.

**ORDINANCES:**

**20131513      Z2013-33 LMG Capital, LLC 2042 Airport Court**

Z2013-33 [REZONING & SPECIAL LAND USE PERMIT] LMG CAPITAL, LLC requests Rezoning and a Special Land Use Permit for property located in Land Lot 06600, District 17, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia and being known as 2042 Airport Court, from LI (Light Industrial) to HI (Heavy Industrial) with a Special Land Use Permit for this property so it may be used as a transfer facility for paints, oils, and other similar wastes (no solid waste). Ward 7A.

The following stipulations are incorporated as part of the zoning:

1. That the zoning remain LI (Light Industrial) with a Special Land Use Permit for this property so it may be used as a transfer facility for the transfer of paints, oils, and solvents (no solid waste).
2. The applicant must comply with all rules and regulations pertaining to the handling of hazardous materials.
3. Letter dated February 10, 2014, from J. Kevin Moore, Moore, Ingram, Johnson & Steele, LLP, to Russell J. Roth, Planning & Zoning Manager.

*Council member Goldstein disclosed that Kevin Moore and/or his firm have done work for him, entities he owns and/or family members, etc.*

*Planning Commission recommends approval w/stipulations      Vote: 5 – 1 – 0*  
*Mr. Diffley opposed*

*Motion:      Ms. Richardson made a motion, seconded by Mr. Vanderslice, to recommend to city council the approval of the Rezoning and Special Land Use Permit with the following stipulations:*

*Stipulations:*

1. *That the zoning remain LI (Light Industrial) with a Special Land Use Permit for this property so it may be used as a transfer facility for the transfer of paints, oils, and solvents (no solid waste).*
2. *The applicant is expected to comply with all rules and regulations pertaining to the handling of hazardous materials.*

*PUBLIC HEARING (all parties are sworn in)*

*This item was tabled at the February 12, 2014 City Council Meeting.*

**20140092      Z2014-01 John F. Flynn 925 Industrial Park Drive**

Z2014-01 [SPECIAL LAND USE PERMIT] JOHN F. FLYNN requests a Special Land Use Permit for a computer/electronics glass and plastics recycling facility on property located in Land Lot 09990, District 16, Parcel 0260, 2nd Section, Marietta, Cobb County, Georgia and being known as 925 Industrial Park Drive currently zoned HI (Heavy Industrial). Ward 5B.

*Planning Commission recommends approval w/stipulations      Vote: 6 – 0 – 0*

*Motion: Mr. Diffley made a motion to approve the application, seconded by Ms. Richardson, as submitted and to include stipulations presented by staff.*

*Stipulations:*

- 1. Special Land Use Permit is specifically limited to the recycling of mixed plastics, glass and silicon “upcycling”, as indicated in the attached information.*
- 2. Hours of operation to be limited to 8:00am to 6:00pm, Monday through Friday.*
- 3. No outside storage is allowed.*
- 4. The two (2) silos located outside the main structure must keep all material fully enclosed.*
- 5. All building and/or structures on the site shall be fully enclosed.*
- 6. No dust or residue shall be released into the air outside of the structures.*

*PUBLIC HEARING (all parties are sworn in)*

**RESOLUTIONS:****CITY ATTORNEY'S REPORT:****CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: G. A. (Andy) Morris, Chairperson****20140215      Section 8 Program**

Motion to approve the city entering negotiations with the Marietta Housing Authority (MHA) to transfer the City of Marietta's Section 8 Program.

**2. Finance/Investment: Stuart Fleming, Chairperson****3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

\*      **20131480      Polk Street and Maple Avenue Historic Districts**

Motion granting permission to the Historic Preservation Commission to proceed with the possible designation of Polk Street and Maple Avenue as the next historic district.

*Philip Goldstein owns property at 195 Locust Street, Marietta, Ga. 30064.*

\*      **20140197      Resolution Extending the Lease for the Welcome Center**

Approval of a Resolution to the State of Georgia to extend the lease for the Welcome Center property.

\*      **20140203      Island Annexation of 1803 Lower Roswell Road**

Motion to authorize advertisement of the proposed annexation and rezoning of the property identified as 1803 Lower Roswell Road, located in Land Lot 12070, 16th District, Parcel 0010, of Cobb County, Georgia, and which currently constitutes a portion of an unincorporated island as defined by the State of Georgia, Code Section 36-36-92.

\*      **20140214      Revised Detailed Plan for Walnut Grove**

Motion to approve the revised detailed plan, so as to include an additional house plan, as shown on attached architectural renderings prepared by David Weekly Homes for Walnut Grove; signed by the applicant and dated March 12, 2014. All other previously approved stipulations and conditions will remain in effect.

**4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson**

\*      **20140178      Elizabeth Porter Recreation Center**

A motion approving the inclusion of a splash pad and a large unique playground at the Elizabeth Porter Recreation Center area development with direction to staff to bring back a revised conceptual plan for the area to the March Parks, Recreation and Tourism Committee meeting.

**20140206      335 Allgood Road**

Motion to authorize city staff and city attorney to commence eminent domain proceedings on property known as 335 Allgood Road, Marietta, Georgia and to authorize and direct the city staff and the city attorney to take any and all action required by H.B. 1313 in order to acquire fee simple title to the aforementioned property. This authorization shall include the giving of proper written notice, the posting of the property, the required legal advertisements in order to commence the condemnation process and any other action required or appropriate pursuant to the above law.

**20140207      329 Allgood Road**

Motion to authorize city staff and city attorney to commence eminent domain proceedings on property known as 329 Allgood Road, Marietta, Georgia and to authorize and direct the city staff and the city attorney to take any and all action required by H.B. 1313 in order to acquire fee simple title to the aforementioned property. This authorization shall include the giving of proper written notice, the posting of the property, the required legal advertisements in order to commence the condemnation process and any other action required or appropriate pursuant to the above law.

**\*      20140205      500 N. Fairground Street**

Motion to authorize city staff and city attorney to commence eminent domain proceedings on property known as 500 N. Fairground Street, Marietta, Georgia and to authorize and direct the city staff and the city attorney to take any and all action required by H.B. 1313 in order to acquire fee simple title to the aforementioned property. This authorization shall include the giving of proper written notice, the posting of the property, the required legal advertisements in order to commence the condemnation process and any other action required or appropriate pursuant to the above law.

**20140210      Acquisition of 409 N. Marietta Parkway**

A motion authorizing the acquisition of 409 North Marietta Parkway from the Marietta Redevelopment Corporation in exchange for \$91,000.

**\*      20140211      Demolition of Property**

Motion to authorize the demolition of city owned property around the Elizabeth Porter Recreation Center as leases expire, with funds from Category B Improvements to Existing Parks and Facilities.

\*     **20140212     Installation of Temporary Fence at 321 Allgood Rd.**

Motion to authorize the installation of a temporary fence on the northern boundary of city owned property located at 321 Allgood Rd.

\*     **20140213     Disposition of the house located at 298 Chicopee Drive**

Motion to authorize the sale and removal of the house structure (not real estate) on property located at 298 Chicopee Drive to the highest bidder. Further, the house shall be removed within 120 days leaving the ground graded.

\*     **20140192     Juneteenth Celebration**

A motion to approve 1) the temporary street closures of North and East Park Square from 2:00 am to 10:00 pm, and Lawrence St (Cherokee St. to Waddell St) from 7:00 AM to 10:00 PM on Saturday, June 14, 2014, 2) the waiver of park use and supervision fees, and 3) the provision of sanitation services for this year's event for activities from Friday night through Sunday afternoon evening, June 13-15, 2014 as part of the city's 150th Commemoration events of the Battles of Marietta.

\*     **20140201     Disposition of park property adjacent to 759 Hickory Drive**

Motion directing the Director of Parks and Recreation and the City Attorney to conduct the necessary legal advertisements and the necessary legal procedures in order to publicly bid and sell the small portion of property immediately adjacent to 759 Hickory Drive which lies within a portion of Tumlin Park at Hickory Hills. The public bidding of this property shall be conducted based upon sealed bids submitted to the Purchasing Department for the City of Marietta. Any final action related to this matter shall be submitted to the Mayor and Council at the regular City Council meeting on April 9, 2014. The requesting party shall provide a current and accurate survey of the subject property and shall pay the advertising costs thereof.

\*     **20140177     Custer Park Recreation Building**

A motion authorizing the Parks, Recreation and Facilities staff to proceed with planning and design of the expansion of the Custer Park Recreation building gymnasium and building refurbishment.

**5. Personnel/Insurance: Johnny Walker, Chairperson**

**6. Public Safety Committee: Anthony Coleman, Chairperson**

**7. Public Works Committee: Grif Chalfant, Chairperson**

**20140186 East Worthington Speed Tables**

Motion to consider installing speed tables in the East Worthington Parkway.

PUBLIC HEARING

**\* 20140184 Church Street Pedestrian Bridge Easement**

Motion to Table the consideration of the Church Street Pedestrian Bridge Easement until the April 9, 2014 City Council meeting. Further, the applicant was asked to hold a community meeting regarding the proposed bridge.

**20140187 Proposed Radar Speed Signs on Franklin Road**

Motion to approve adding two (2) radar speed signs on Franklin Road as requested by Council Member Goldstein.

**\* 20140188 RTOP Intergovernmental Agreement**

Motion to approve the amendment of the Regional Transportation Operations Program (RTOP) Intergovernmental Agreement with the Georgia Department of Transportation to include State Route 120 east of Cobb Parkway.

\*      **20140239      11 Whitlock Avenue**

Motion to direct the City Manager and the City Attorney to prepare and present the appropriate and standard License Agreement to the owner of 11 Whitlock Avenue which Agreement shall authorize the leasing of the ground and air encroachments currently encroaching on the public right-of-way. The Agreement shall contain the standard Indemnity Agreement as well as the standard insurance clause and all other clauses contained in the normal License Agreement executed by all parties in favor of the City of Marietta. The Agreement shall further provide that the city shall have not duty to maintain the encroaching property and shall have no duty to inspect the encroaching property either now or in the future. The owner shall have through and including May 14, 2014 to fully execute and return the document to the city. Further, as a requirement of this motion, the owner shall provide a current and accurate survey of the currently existing encroachments (ground and air) by the property upon the public right-of-way and same shall be submitted simultaneously with the executed License Agreement. In the event the Agreement is not fully executed by the owner and returned to the city by May 14, 2014, the owner shall remove each and every encroachment from the city right-of-way, including ground and/or air encroachments on or before June 11, 2014. In the event the owner does not remove each and every encroachment from the city right-of-way, including ground and/or air encroachments, city staff shall remove each and every encroachment from the city right-of-way after June 11, 2014 without further motion of the Mayor and Council. This motion is necessitated by the fact that the prior recipient of the License Agreement abandoned the premises and failed to notify the city or comply with the terms and conditions of the Agreement. In addition, the owner has taken no action to comply with the prior Agreement.

*Philip Goldstein disclosed he owns (property) at 9 & 11 Whitlock Avenue.  
Councilman Goldstein will abstain from any action as a Councilman on this item.*

**OTHER BUSINESS:**

\*      **20140216      V2014-05 QuikTrip Corporation, Inc. 692 Powder Springs Street**

V2014-05 [VARIANCE] QUIKTRIP CORPORATION request variances for property located in Land Lot 02140, District 17, Parcel 0680, 2nd Section, Marietta, Cobb County, Georgia and being known as 692 Powder Springs Street, currently zoned CRC (Community Retail Commercial). Ward 3.

1. Variance to reduce the planted border area along Powder Springs Street from 10' to 6.' [§712.08 (G.2)]

**20140250      BLW Actions of the March 10, 2014**

Review and approval of the March 10, 2014 actions and minutes of the Marietta Board of Lights and Water.

**UNSCHEDULED APPEARANCES:**

**ADJOURNMENT:**